

**WRITTEN OPINION**

International application No. PCT/ES2003/000524

**I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

**Description, Pages**

1-10 as originally filed

**Claims, Numbers**

1-17 as originally filed

**Drawings, Figures**

1, 2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

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### **V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

#### **1. Statement**

Novelty (N)	Claims	1-5, 11, 15
Inventive step (IS)	Claims	1-13, 15-17
Industrial applicability (IA)	Claims	

#### **2. Citations and explanations**

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

1. Reference is made to the following document:

D1: WO 01 87581 A1

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

- 2.1 The document D1 discloses (the references in parentheses applying to this document):

A non-slip device for personal use items, comprising a body (1) of elastomeric material with a first side that can be coupled to a surface of a personal use item, and a second side opposite to the first one and provided with non-slip properties, where said body comprises a flattened band (2), said band (2) being formed such that once it is adhered to the surface of the personal use item, it defines on said surface at least one surface section (3) intended for optionally housing an auxiliary element, said surface section (3) being at least partially surrounded by the band (2).

3. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 16 does not involve an inventive step in the sense of Article 33(3) PCT.

- 3.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 16, and discloses:

A manufacturing process for a non-slip device for personal use items as claimed in the previous claims, of the type by means of underwater injection moulding without using a roller, including the following steps:

- closing the injection machine press with the moulds inside,
- introducing in the screw device the thermoplastic material in pellet form through a respective feed hopper with the desired colouring material,
- heating the cylinder of the screw device to cause the melting of the introduced material,
- making the screw device rotate at a high speed with a low

counter-pressure in order to introduce the material into the injection machine press until filling the corresponding moulds,

- leaving the material introduced in the press to cool as a result of the cooling action of the fluid circulating through the inside of the press,
- opening the press and subsequently the moulds inside, and actuating the ejectors in combination with driving means of the bottom of the impression so as to drag the parts by gravity to a corresponding collection hopper, and
- expelling the cold casting pieces.

- 3.2 The subject-matter of claim 16 therefore differs from this known method in that: a single sheet or strip of non-slip material is obtained which is subsequently die-cut in order to obtain the non-slip devices with an internal cavity.
- 3.3 The problem to be solved by the present invention may therefore be regarded as selecting a suitable method of carrying out a final shaping of the non-slip device.
- 3.4 The solution proposed in claim 16 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) as applying this step is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.
- 4 Dependent claims 2-13, 15 and 17 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step.
5. The combination of the features of dependent claim 14 (and by claim dependency 5,6,8) is neither known from, nor rendered obvious by, the available prior art. The reasons are that starting from the non-slip device known from D1, the skilled person would not consider connecting the strip and the auxiliary element as this would require additional inventive modifications to that device.

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

To:

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ESPAGNE

NOTIFICATION CONCERNING INFORMAL  
COMMUNICATIONS WITH THE APPLICANT

(PCT Rule 66.6)

Date of mailing  
(day/month/year)

21.12.2005

Applicant's or agent's file reference  
AX030098WO

**TRANSMITTAL FOR INFORMATION**

International application No.  
PCT/ES2003/000524

International filing date (day/month/year)  
14.10.2003

Applicant  
ALGOTOP, S.L. et al.

An informal communication took place on 20.12.2005, between the International Preliminary Examining Authority and the applicant /the agent.

A copy of the note on that communication (Form PCT/PEA/428) is herewith transmitted for your information.

Name and mailing address of the international  
preliminary examining authority:



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Vertrag über die internationale Zusammenarbeit auf dem Gebiet des Patentwesens  
Patent Cooperation Treaty  
Traité de coopération en matière de brevets

**PCT**

Application No.:

PCT/ES2003/000524

**Note on an informal communication by telephone with the Applicant**

A copy of this note is being sent to the Applicant for information

**Participants**

Representative: De Carlos

Examiner(s): Vistisen, L

**Summary of the communication**

The applicant was informed that a delay has occurred in the processing of the application. In view of this and with the aim of attempting to arrive at a timely International Preliminary Examination Report he agreed to receiving the Written Opinion having a reduced time limit for filing a possible reply.



20.12.2005  
.....  
Date

Vistisen, L  
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Authorized officer of IPEA